

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTSCASE NO. CR98-10026United States of AmericaPLAINTIFFFrederick SimoneVincent GioacchiniDEFENDANTErnest DiniscoKevin ReddingtonHeidi BriegerRobert GeorgeCOUNSEL FOR PLAINTIFFCOUNSEL FOR DEFENDANTJUDGE WolfCLERK O'LearyREPORTER TwomeyCLERK'S NOTES

DATES:	Sentencing Hearing
6/16/05	Court calculates the advisory guidelines for Simone as follows: TOL 20, CH IV, 51-63 months custody,
	24-36 months supervised release, \$7,500 - \$75K fine and \$200 special assessment fee and for Gioacchini as
	follows: TOL 20, CH III, 41-51 months custody, 24-36 months supervised release, \$7,500 - 75K fine, 700
	special assessment fee and \$7,500 of forfeiture. Government recommends a sentence of 63 months custody,
	to be served concurrently with his state sentence, 36 months supervised release, \$200 special assessment fee
	as to Simone. Defendant, Simone, joins in the government's recommendation. Defendant, Simone addresses
	the court. Government recommends a sentence of 48 months custody, 36 months supervised release, \$700
	special assessment fee and forfeiture of \$7,500. Government recommends that the federal sentence run
	concurrently with the defendant's state sentence. Defendant Gioacchini advocates for a 41 month sentence.
	Defendant Gioacchini addresses the court. Formal sentencing as to Simone: 63 months custody with
	judicial recommendation it be served in state facility, followed by 36 months supervised release on the standard
	conditions plus not possess a firearm or other dangerous weapon and submit to DNA testing. Court does
	not impose a fine but does impose the mandatory \$200 special assessment fee. Formal sentencing as to
	Gioacchini: 41 months custody with the judicial recommendation that it be served in a state facility, followed
	by 36 months supervised release on the standard conditions plus not possess a firearm or other dangerous
	weapon and submit to DNA testing. Court does not impose a fine but does impose the mandatory \$700
	special assessment fee. Defendant also ordered to forfeit \$7,500.00. Both defendants advised of their
	rights to appeal and to counsel.